

Senator Glasscock moved the previous question on the bill and amendments.

Ordered.

The yeas and nays being called Senator Kearby's amendment was lost by the following vote:

Clark,	McKinney,	Simkins,
Harrison,	Page,	Townsend,
Kearby,	Pope,	Whatley.
Lubbock,		

YEAS—10.

Atlee,	Garwood,	Seale,
Clemens,	Glasscock,	Sims,
Crane,	Johnson,	Stephens,
Finch,	Maetze,	Tyler,
Frank,	Potter,	Weisiger.

NAYS—15.

Burney,	Cranford,	Kimbrough,
Carter,	Ingram,	Mott.

ABSENT—6.

On motion of Senator Page

The Senate adjourned to 10 o'clock tomorrow.

THIRTEENTH DAY.

SENATE CHAMBER,
AUSTIN, Texas, Jan. 27, 1891. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll call.

Quorum present.

The following Senators answering to their names:

Atlee,	Harrison,	Pope,
Carter,	Johnson,	Potter,
Clark,	Kearby,	Simkins,
Clemens,	Kimbrough,	Sims,
Crane,	Lubbock,	Stephens,
Finch,	Maetze,	Townsend,
Frank,	McKinney,	Weisiger,
Garwood,	Page,	Whatley.
Glasscock,		

PRESENT—25.

Cranford,	Seale,	Tyler.
Ingram,		

ABSENT—4.

Prayer by the chaplain, Dr. Smoot.

On motion of Senator Stephens the reading of the journal was dispensed with.

COMMITTEE REPORTS.

Senator Townsend made the following report:

COMMITTEE ROOM,
Austin, Jan. 26, 1891. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Judicial Districts have had under consideration Senate bill No. 16, entitled "An act to prescribe the times for holding the terms of the district court in the Forty-sixth judicial district, and to repeal all laws and parts of laws in conflict therewith," and instruct me to re-

port the same back to the Senate with the recommendation that the same do pass.

TOWNSEND,
Chairman.

And bill read first time.

Senator Clemens made the following report:

COMMITTEE ROOM,
Austin, Jan. 23, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Finance, to whom was referred

Senate bill No. 110, "An act making appropriations for deficiencies in the appropriations heretofore made for payment of expenses in support of the State government for the year ending February 28, 1891, and for previous years, being for payment of claims registered in the comptroller's office in accordance with law, and for outstanding claims not registered and other deficiencies,"

Have had the same under consideration and instruct me to report it back to the Senate with the recommendation that it do pass, with the following amendment:

By adding to the first section: "For publishing constitution amendments, \$20,000; fees of justices of the peace, constables and other peace officers in examining trials, \$3000."

All of which is respectfully submitted.

CLEMENS,
Chairman.

And bill read first time.

Senator Glasscock made the following report:

COMMITTEE ROOM,
Austin, Jan. 26, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Education, to whom was referred,

Senate bill No. 143, entitled "An act to amend sections 5 and 10 of section 8, article 7 of chapter 25 of the acts of the special session of Eighteenth Legislature, entitled 'An act to establish and maintain a system of public free schools for the State of Texas and to repeal so much of chapter 3 of title 78 of the revised civil statutes of Texas as refer to public free schools outside of incorporated cities and towns assuming, or having assumed control of their public free schools and all laws and parts of laws in conflict with this act,'"

Have had the same under consideration and instruct me to report it back

to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

GLASSCOCK,
Chairman.

Bill read first time.

Senator Clemens made the following report:

COMMITTEE ROOM,
Austin, Jan. 26, 1891.

Hon. George C. Pendleton, President of the Senate.

Sir—Your committee on Finance to whom was referred

Senate bill No. 71, being "An act to amend article 2979, title 54, of the revised civil statutes of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it be referred to Judiciary committee No. 2, there to be considered in connection with other bills upon the same subject now pending before that committee.

CLEMENS,
Chairman.

Bill read first time.

BILLS AND RESOLUTIONS.

By Senator Townsend:

A bill to be entitled "An act to set apart to the available public free school fund all money which has been collected from the United States government for Texas for frontier protection, and which still remains in the State treasurer's hands unappropriated, and other such funds which may hereafter be collected, the same to be disbursed to meet the requirements of the constitution.

Referred to committee on Education.

By Senator Maetze (by request):

A bill to be entitled "An act to provide an annual pension of \$150 for M. B. Irwin, a surviving soldier of the Texas revolution."

Referred to committee on State Affairs.

By Senator Stephens:

A bill to be entitled "An act to amend section 1 of an act entitled "An act to amend chapter 5, title 22, of the revised civil statutes, as amended by an act approved March 21, 1881, providing for locating county seats in unorganized counties by a majority vote of the electors voting at the election organizing the county."

Referred to the Committee on Counties and County Boundaries.

By Senator Frank:

A bill to be entitled "An act to pur-

chase state convict farms and improve and stock the same, and to work convicts thereon, and to make an appropriation therefor.

Referred to the committee on Penitentiaries.

By Senator Page:

A bill to be entitled an act to amend articles 2851 and 2852, title 50, chapter 4, of the revised civil statutes.

Referred to Judiciary committee No. 1.

By Senator Page:

A bill entitled an act to amend article 1944, title 37, chapter 12 of the revised civil statutes of the State of Texas and to repeal article 1945, of the same title and chapter.

Referred to Judiciary committee No. 1.

By Senator Potter:

A bill to be entitled, "An act to amend article 684 of the penal code of the State of Texas so as to prohibit stock from running at large in localities in which the stock law prohibiting such stock from running at large is in force.

Referred to Judiciary committee No. 2.

By Senator Page:

A bill to be entitled "An act to amend article 1363, title 24, chapter 16, of the revised civil statutes."

Referred to Judiciary committee No. 1.

By Senator Page:

A bill to be entitled "An act to amend article 1847, title 37, chapter 5, revised civil statutes of the State of Texas."

Referred to Judiciary committee No. 1.

By Senator Page:

A bill entitled "An act to amend article 2229, title xxxviii, chapter 2, revised statutes of the state of Texas."

Referred to Judiciary Committee No. 1.

By Senator Page:

A bill entitled "An act to prescribe the manner of giving notice in the administration of estates, and for the probate of wills and the sales of real estate, and the return of exhibits and the partition and distribution of estates and in all proceedings in the matter of guardianship, and all other matters relative to proceedings in the county court in the matter of the estate of decedents and minors, and for the repeal of articles 1839, 2071, 2101, 2140 and 2575, revised civil statutes, and all other articles in conflict with the provisions of this act."

Referred to Judiciary committee No. 1.

By Senator Simkins:

A bill to be entitled, "An act to amend sections 1, 5 and 15, of chapter 55, of the acts of 1889, in reference to the commission of appeals; and sections 6, 9, 13 and 14, of chapter 95, entitled "An act to create a commission of arbitration and award, and define the powers and duties thereof, and to make an appropriation to pay the salaries of the judges thereof."

Referred to Judiciary committee No. 1.

Senator Kearby offered the following concurrent resolution:

Be it resolved, the House of Representatives herein concurring, that the President of the Senate and the Speaker of the House of Representatives appoint a committee, consisting of three from the Senate and five from the House of Representatives, who shall visit and examine the condition, management and operation of the penitentiaries and report the result of their investigation, giving number of convicts now in the penitentiaries of the State, the number hired out, the practicability of confining the convicts inside the walls of the prison, additional room necessary to do so and manner of constructing the same and probable cost thereof, the advisability of manufacturing cotton or jute bagging by the State at the penitentiaries and the probable cost thereof, and to make report generally to the Legislature of the result of their investigations and to recommend such changes or additions as they may think needful.

Which was adopted.

On motion of Senator Whaley, the Senate went into executive session.

(IN SENATE.)

ORDER OF THE DAY.

Senate bill No. 29, entitled, "An act for the relief of railway companies having charters made or amended since January 1st, 1887, which have failed or are about to fail to comply with article 4278 of revised statutes of Texas."

Being special order of the day was taken up and read second time with a favorable committee report.

Question being on the engrossment of the bill, it was ordered engrossed.

Senator Kimbrough moved that the constitutional rule requiring a bill to be read on three several days, be suspended.

On this motion the vote was as follows:

YEAS—24.

Atlee,	Glasscock,	Page,
Carter,	Harrison,	Pope,
Clark,	Johnson,	Sims,
Clemens,	Kearby,	Stephens,
Crane,	Kimbrough,	Townsend,
Finch,	Lubbock,	Tyler,
Frank,	Maetze,	Weisiger,
Garwood,	McKinney,	Whatley.

NAYS—1.

Potter.

ABSENT—4.

Cranford,	Ingram,	Mott,
		Seale.

And the constitutional rule was suspended: Question now being on the final passage of the bill, it was passed by the following vote:

YEAS—25.

Atlee,	Harrison,	Pope,
Carter,	Johnson,	Simkins,
Clark,	Kearby,	Sims,
Clemens,	Kimbrough,	Stephens,
Crane,	Lubbock,	Townsend,
Finch,	Maetze,	Tyler,
Frank,	McKinney,	Weisiger,
Garwood,	Page,	Whatley.
Glasscock,		

NAYS—1.

Potter.

ABSENT—4.

Cranford,	Mott,	Seale.
Ingram,		

In accordance with a committee recommendation and resolution passed yesterday, the President announced the appointment of the following committee on Labor:

Hon. T. U. Lubbock, chairman; Mott, Weisiger, McKinney, Seale, Harrison, Whatley.

Senator Townsend called up his motion to reconsider the vote by which Senate bill No. 10 was passed.

Senators Townsend and Pope spoke in favor of the motion.

Senator Potter opposed the motion.

Senator Atlee asked that his vote on Senate bill No. 10 be changed from nay to aye, and spoke in favor of the reconsideration of the bill.

Senator Tyler opposed.

Senator Pope spoke again in favor of the motion.

Senator Kearby opposed reconsideration.

By consent the following telegram to Gov. Hogg from Representative W. H. Martin was read:

WASHINGTON, D. C., Jan. 26, 1891.
To Gov. J. S. Hogg, Austin:
Good news; the force bill was today

defeated in the Senate. Let us rejoice. WM. H. MARTIN.

On the motion to reconsider the vote by which Senate bill No. 10 was passed, the Senate refused to reconsider by the following vote:

YEAS—8.

Atlee,	Lubbock,	Simkins,
Carter,	Page,	Townsend.
Johnson,	Pope,	

NAYS—18

Clark,	Glasscock,	Potter,
Clemens,	Harrison,	Sims,
Crane,	Kearby,	Stephens,
Finch,	Kimbrough,	Tyler,
Frank,	Maetze,	Weisiger,
Garwood,	McKinney,	Whatley.

ABSENT—4.

Cranford,	Ingram,	Mott,
		Seale.

The following privileged report was read:

COMMITTEE ROOM,
Austin, Jan. 27, 1891.

Hon. George C. Pendleton, President of the Senate:

Your committee on, Engrossed Bills have carefully examined and compared Senate bill No. 10, entitled "An act to prohibit the making of contracts, limiting the time to sue thereon to less than that fixed by law, and providing the character of notice of a claim before suit and the manner of the giving thereof."

And find the same correctly engrossed.

A. M. CARTER,
Chairman.

On motion of Senator Tyler the journal of yesterday was corrected to show that Senate bill No. 34, entitled "An act to article 3014, chapter 1, title 57, of the revised statutes of the State of Texas, relating to the exemption of firemen from jury duty,"

Was read second time and engrossed.

By consent the following bills were introduced:

By Senator Weisiger:

A bill entitled, "An act to amend an act to provide for the inspection of refined oils which are the product of petroleum, and which may be used for illuminating purposes within this State, and to regulate the sale and use thereof, and to provide penalties for the violation of the same, approved April 5th, 1889."

Referred to Judiciary committee No. 2.

By Senator Carter:

A bill to be entitled, "An act to

punish railroad ticket brokers and railroad ticket scalpers."

Referred to committee on Internal Improvements.

By consent, Senator Glasscock made the following report:

COMMITTEE ROOM,
Austin, Jan. 26, 1891.

Hon. Geo C. Pendleton, President of the Senate:

Sir—Your committee on Education, to whom was referred

Senate bill No. 2, entitled "An act to empower the State board of education to procure for use in the common schools of the State of Texas a series of text books, defining the duties of certain officers therein named, with reference thereto, making appropriation therefor, defining certain felonies and misdemeanors, providing penalties for the violation of the provisions of this act, and declaring an emergency,"

Have had the same under consideration, and instruct me to report the same back to the Senate, with the recommendation that it do pass with the following amendments:

1. At the beginning of line 6, section 1, of the printed bill add after the words "United States," "and Texas."

At the beginning of line 3, section 2, add the word "first."

2. At the end of line 30, page 2, add "Second—From authors of school text books who have manuscripts of books not published, for prices at which they will sell their manuscript, together with the copyright of such books for publication by the State for use in the schools of the State, or for publication by contract for similar use."

3. "Third—From persons who are willing to undertake the compilation of a book or books, or a series of books, as provided for in section 1 of this act, the price at which they are willing to undertake such compilation of any or all of such books, to the acceptance and satisfaction of the said board of education."

4. In line 28, section 3, add "History of Texas, 50 cents."

5. At the end of section 3, page 3, add the following: "Those who enter into a contract with said board of education, as herein provided for, shall enter into bond with resident sureties in a sum to be fixed by the Governor of the State, payable to the State of Texas, and to be approved by the Governor, conditioned that said party contracting shall in all things comply with the contract so made. And in the

event said party shall fail to comply therewith, the attorney-general shall institute suit in any court of competent jurisdiction for the recovery of the sum named in said bond, and which said sum, when so recovered, shall be added to the available school fund. And in case of such failure to comply with said contract the board of education may cancel the contract so broken."

6. In line 5, section 9, strike out "\$100 for every 1000 inhabitants of their respective counties" and insert instead "\$500 for every 1000 of scholastic population or fraction thereof not less than 500, according to the last State scholastic census," but no bond shall be less than \$500."

7. In line 10, section 9, strike out the words "of the county," and after the word "sureties" insert "residing in this State." In line 13, section 9, strike out "\$300" and insert "\$100."

8. At the end of section 9, add "such bonds to be recorded as other official bonds in the records of the county."

9. Strike out lines 14, 15 and 16 in section 12, and insert "shall be punished as provided by the penal code of this State in cases of embezzlement."

10. In line 18, section 13, strike out the words "two or."

11. In line 31, section 14, strike out the words "at least" and "not more than five."

21. In line 32, section 14, insert after the word certificates the following: "And two business men of first-class qualifications and integrity."

13. Strike out sections 16 and 17.

14. Add the following section: "The State board of education shall prepare and submit to the Governor before the Twenty-Third Legislature shall convene, a report wherein they shall discuss the feasibility of State publication of common school text books and submit estimates as to the probable cost to the State of such publication."

All of which is respectfully submitted.

GLASSCOCK,
Chairman.

And Senate bill No. 2 was read first time.

By consent the following reports were made:

By Senator Tyler:

COMMITTEE ROOM,
Austin, Jan. 23, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Your Judiciary committee No. 2, to whom was referred

Senate bill No. 77, entitled "An act to amend title 53, chapter 3, of the revised civil statutes, by adding thereto article 2971a,"

Have had the same under consideration and instruct me to report the same back to the Senate with the recommendation that it do pass. All of which is respectfully submitted.

TYLER,
Chairman.

Bill read first time.

By Senator Tyler:

COMMITTEE ROOM,
Austin, Jan. 27, 1891.

Hon. George C. Pendleton, President of the Senate:

Your Judiciary committee No. 2, to whom was referred

Senate bill No. 127, being "An act to amend article 797, chapter 17, of the penal code,"

Have had the same under consideration, and I am instructed to report the same back to the Senate, with the recommendation that it do pass, with the following amendments:

1. Strike out the words "over twenty dollars," and insert in lieu thereof the words "fifty dollars or over."

2. Strike out the words "twenty dollars or less," and insert in lieu thereof the words "less than fifty dollars."

All of which is respectfully submitted.

TYLER,
Chairman.

Bill read first time.

By Senator Tyler:

COMMITTEE ROOM,
Austin, Jan. 27, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 2, to whom was referred

Senate bill No. 116, being "An act to require county clerks to furnish a statement under his official seal and signature to the tax assessor of his county of all notes, bonds, mortgages, deeds of trust, or other evidences of a lien upon real estate which has been filed or recorded in his office on before the first day of March in each year, to provide for the payment for such services and to provide a penalty for the failure to comply with the provisions of this act,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the rec-

ommendation that it do pass, with the following amendment.

Amend section 2 by striking out the words "which is barred by the statute of limitation."

All of which is respectfully submitted.

TYLER,
Chairman.

Bill read first time.

By Senator Tyler:

COMMITTEE ROOM,

Austin, January 27, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 2, whom was referred

Senate bill No. 105, being "An act to amend article 730 of the code of criminal procedure so as to prohibit attorneys employed in any criminal cause from testifying in said cause, unless called thereto by the opposite party,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

TYLER,
Chairman.

Bill read first time.

By Senator Tyler:

COMMITTEE ROOM,

Austin, Jan. 27, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 2, to whom was referred

Senate bill No. 104, being "An act to amend article 680, of the code of criminal procedure,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

TYLER,
Chairman.

Bill read first time.

By Senator Tyler:

COMMITTEE ROOM,

Austin, Jan. 27, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 2, to whom was referred Senate bill No. 103, being "An act to prohibit a recovery upon any note, mortgage, bonds, deed of trust or other lien upon real estate within this State, or the sale of any real estate by virtue of any deed of

trust, mortgage or other lien where power is given to trustee to sell, unless the said note, mortgage, deed of trust or other lien on lands shall have first been rendered for taxes, and all taxes due thereon have been paid or payment tendered at the time judgment shall be asked or sale is made,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

TYLER,
Chairman.

Bill read first time.

By Senator Tyler:

COMMITTEE ROOM,

Austin, Jan. 27, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 2, to whom was referred

Senate bill No. 45, being "An act to amend articles 735 and 736 of the penal code of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass. All of which is respectfully submitted.

TYLER,
Chairman.

Bill read first time.

By Senator Kimbrough:

COMMITTEE ROOM,

Austin, Jan. 22, 1891,

To Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Roads and Bridges, to whom was referred

Senate bill No. 5, providing for the election of a county road commissioner in counties where a tax has been levied under the amendment to the constitution,

Have had the same under consideration, and beg leave to report that section 2 be so amended where it reads "six hundred" as to read "four hundred," and thus amended that the same do pass.

Respectfully submitted.

KIMBROUGH,
Chairman.

Bill read first time.

By Senator Tyler:

COMMITTEE ROOM,

Austin, Jan. 27, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 2, to to whom was referred

Senate bill No. 63, being "An act to amend articles 735 and 736 of chapter 9, title 17 of the penal code of the State of Texas,"

Have had the same under consideration, and instruct me to report the same back to the Senate without any recommendation, Senate bill No. 45 relating to the same subject matter having been reported favorably by this committee."

All of which is respectfully submitted.

TYLER.
Chairman.

Bill read first time.

By consent Senator Maetze introduced the following:

A bill to be entitled "An act to amend chapter 2, title 7, of the criminal code of the State of Texas by adding thereto article 187a, limiting the operation of said chapter 2 to the hours between the hours of 9 a. m. and 4 p. m.

Referred to Judiciary committee No. 2.

On motion of Senator Atlee Senator Crane was excused indefinitely on account of sickness.

On motion of Senator Pope Senator Seale was excused indefinitely for the same cause.

By consent Senator Weisiger presented the following petition:

Petition of citizens of Victoria county, inviting attention to the insufficiency of the present game laws.

Referred to committee on State Affairs.

The following appointments made by the Governor and confirmed by the Senate in executive session were announced:

Hon. R. H. Harrison, as assistant attorney general of Texas.

Hon. D. P. Marr, as judge of the commission of appeals.

R. W. Finley, Esq., as financial agent of the State penitentiaries.

E. G. Douglas, Esq., as assistant superintendent of the penitentiary at Rusk.

James G. Smither, as assistant superintendent of the penitentiary at Huntsville.

Senate bill No. 4, entitled "An act to amend article 320, chapter 4, title 9, of the penal code of Texas, relating to the carrying of arms in church or other assembly, and to increase the punishment for this offense,"

Was read second time.

On motion of Senator Crane the bill was postponed subject to call.

By consent Senator Tyler made the following report:

COMMITTEE ROOM,
Austin, Jan. 27, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Yours Judiciary committee No. 2, to whom was referred

Senate bill No. 85, being "An act to amend chapter 1, title 17, of the revised civil statutes of the State of Texas, by the addition of article 340c, to remedy the defects in the manner of incorporation of cities and towns," also,

Senate bill No. 93, being "An act to validate the acts of city and town councils within the State of Texas which have attempted to accept the provisions of the general law relating to cities and towns, prescribing the mode and manner of their incorporations as cities of one thousand inhabitants or more,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the following substitute therefor:

Senate substitute bills Nos. 85 and 93, being "An act to amend chapter 1, title 17, of the revised civil statutes of the State of Texas, by the addition of article 340c thereto," and we recommend that said substitute bill do pass.

All of which is respectfully submitted.

TYLER,
Chairman.

Bill read first time.

Senate bill No. 18, entitled "An act to amend article 1133 of the revised statutes by adding thereto article 1133a, prescribing qualifications of county judges," was taken up in regular order and read second time.

Senator Crane opposed the bill.

Senator Sims favored it.

Senators Pope and Garwood opposed.

Senator Stephens favored.

(Senator page in the chair.)

On the question to engross the bill it was lost by the following vote:

YEAS—6.

Carter,	Simkins,	Stephens,
Glasscock,	Sims,	Townsend.

NAYS—20.

Atlee,	Harrison,	Page,
Clark,	Johnson,	Pope,
Clemens,	Kearby,	Potter,
Crane,	Kimbrough,	Tyler,
Finch,	Lubbock,	Weisiger,
Frank,	Maetze,	Whatley,
Garwood,	McKinney,	

ABSENT—4.

Cranford, Ingram, Mott,
Seale.

(The President in the chair.)

Senate bill No. 68, entitled "An act to amend articles 237 and 238, title 5, chapter 2, of the code of criminal procedure," was read second time and ordered engrossed.

Senate bill No. 70, entitled "An act to amend section 1 of an act entitled 'An act to redistrict the State into judicial districts and fix the time for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884; approved April 9, 1883; approved March 24, 1885, to create the Forty-third Judicial District of the State of Texas, fix the times for holding court therein, and to provide for the appointment of a district judge for said district, approved March 30, 1887, to create the Forty-eighth Judicial District of the State of Texas, fix the time for holding court therein, and to fix the times for holding court in the Seventeenth judicial district of the State of Texas, and to provide for the appointment of a district judge of the said Forty-eighth judicial district," was read second time in regular order, and ordered engrossed.

On motion of Senator Carter, the constitutional rule requiring a bill to be read on three several days was suspended by the following vote:

YEAS—23.

Carter,	Johnson,	Potter,
Clemens,	Kearby,	Simkins,
Crane,	Kimbrough,	Sims,
Frank,	Lubbock,	Stephens,
Garwood,	Maetze,	Townsend,
Glasscock,	McKinney,	Tyler,
Harrison,	Page,	Weisiger,
	Pope,	Whatley.

NAYS—1.

Finch.

ABSENT—6.

Atlee, Cranford, Mott,
Clark, Ingram, Seale.

And the bill finally passed by the following vote:

YEAS—23.

Carter,	Kearby,	Simkins,
Clemens,	Kimbrough,	Sims,
Crane,	Lubbock,	Stephens,
Frank,	Maetze,	Townsend,
Garwood,	McKinney,	Tyler,
Glasscock,	Page,	Weisiger,
Harrison,	Pope,	Whatley.
Johnson,	Potter,	

NAYS—1.

Finch

ABSENT—6.

Atlee, Cranford, Mott,
Clark, Ingram, Seale.

On motion of Senator Stephens, Senate bill No. 16, entitled "An act prescribing the time for holding courts in the Forty-sixth judicial district," was taken up out of its regular order.

On motion of senator Stephens to suspend the constitutional rule requiring bills to be read on three several days and that the bill pass to a second reading, the rule was suspended by the following vote:

YEAS—23.

Carter,	Kearby,	Simkins,
Clemens,	Kimbrough,	Sims,
Crane,	Lubbock,	Stephens,
Finch,	Maetze,	Townsend,
Frank,	McKinney,	Tyler,
Garwood,	Page,	Weisiger,
Glasscock,	Pope,	Whatley,
Johnson,	Potter,	

ABSENT—8.

Atlee, Cranford, Mott,
Burney, Harrison, Seale.
Clark, Ingram,

The bill was read second time.

Senator Stephens offered the following amendment:

Amend by adding to end of bill the following:

Section 4. The time for holding courts in the Forty-sixth District, as now arranged being insufficient, an imperative public necessity exists requiring and justifying the suspension of the constitutional rule that bills be read on three several days and the same is hereby suspended.

Adopted.

Senator Stephens offered the following amendment:

Amend line 13, after the word "this" the word "act."

Adopted.

The bill was ordered engrossed.

On motion of Senator Stephens the constitutional rule requiring a bill to be read on three several days was suspended by the following vote:

YEAS—25.

Atlee,	Johnson,	Potter,
Carter,	Kearby,	Simkins,
Clemens,	Kimbrough,	Sims,
Crane,	Lubbock,	Stephens,
Finch,	Maetze,	Townsend,
Frank,	McKinney,	Tyler,
Garwood,	Page,	Weisiger,
Glasscock,	Pope,	Whatley.
Harrison,		

ABSENT—6.

Burney, Cranford, Mott,
Clark, Ingram, Seale.

And the bill passed to a third reading.
Read third time and passed.

Senate bill No. 74, entitled, "An Act to amend article 558, title 7, chapter 4, of the code of criminal procedure,

Was taken up in regular order, read second time with committee report:

COMMITTEE ROOM, }
Austin, Jan. 22, 1891. }

To the Hon. George C. Pendleton,
President of the Senate:

SIR—Your judiciary committee No. 2, to whom was referred

Senate bill No. 74 entitled "An Act to amend article 558, title 7, chapter 4 of the code of criminal procedure,"

Have had the same under consideration and instruct me to report it back to the Senate with the recommendation that it do pass with the following amendments:

Amend by adding subdivisions 4 and 5 at the end of the bill, to-wit:

4. "That the witness is not absent by the procurement or consent of the party applying therefor."

5. "That the application is not made for delay."

All of which is respectfully submitted.

TYLER,
Chairman.

The committee amendments were adopted.

Senator Crane offered the following amendment:

Amend by striking out the word "natural" in the last line of the bill and inserting in lieu thereof the word "material."

Adopted.

The bill was ordered engrossed.

By consent Senator Tyler introduced the following bill entitled

An act to authorize by statute the bringing and prosecution of certain forms of action and to provide for the mode of service in such cases.

Referred to Judiciary committee No. 2.

Senate bill No. 83 entitled an act to prohibit persons divorced from marrying within twelve months from final judgment in divorce proceedings, and to provide a penalty for the violation of this act, was taken up in regular order and read second time with the committee report.

Senator Pope opposed the bill.

Senator Kearby spoke to the bill.

Senator Potter offered the following amendment:

Amend by striking out the enacting clause.

Senator Pope spoke against the amendment and against the bill.

Senator Potter spoke against the bill.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
AUSTIN, Texas, Jan. 27, 1891. }

Hon. Geo. C. Pendleton, President of the Senate:

SIR—I am instructed by the House to respectfully return to your honorable body Senate bill No. 10, in order that your committee on engrossed bills may properly engross same.

SAM H. DIXON,
Chief Clerk, House of Representatives.

Senate bill No. 10 was referred to committee on engrossed bills.

On Senator Potter's amendment to Senate bill No. 83 the ayes and noes were called for, and the amendment was lost by the following vote:

YEAS—11.

Finch,	Lubbock,	Simkins,
Garwood,	McKinney,	Tyler,
Glasscock,	Page,	Weisiger.
Johnson,	Potter,	

NAYS—13.

Atlee,	Harrison,	Stephens,
Carter,	Kearby,	Townsend,
Clemens,	Kimbrough,	Whatley,
Crane,	Maetze,	
Frank,	Sims,	

ABSENT—4.

Clark,	Pope,	Seale,
Cranford,		

On the question to engross the bill it was lost by the following vote:

YEAS—2.

Clemens,	Kearby.
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NAYS—22.

Atlee,	Johnson,	Sims,
Carter,	Kimbrough,	Stephens,
Crane,	Lubbock,	Townsend,
Finch,	Maetze,	Tyler,
Frank,	McKinney,	Weisiger,
Garwood,	Page,	Whatley.
Glasscock,	Potter,	
Harrison,	Simkins,	

ABSENT—5.

Clark,	Mott,	Seale.
Ingram,	Pope,	

On motion of Senator Lubbock the Senate adjourned to 10 o'clock a. m. tomorrow.

FOURTEENTH DAY.

SENATE CHAMBER. }

AUSTIN, TEXAS, Jan. 28, 1891. }

Senate met pursuant to adjournment.

Lieutenant Governor Pendleton in the chair.